

REMARKS

Independent claim 1 has been amended to more particularly point out that Applicants' invention comprises an alert system onboard a vehicle, as described at paragraphs 12 and 20; that the condition data received by the alert system includes a set of coordinates corresponding to an alert area, as described at paragraph 35; that the system controller determines when said vehicle is within the alert area, as described in paragraphs 36 and 43, and if the vehicle is not within the alert area, determines whether the vehicle is approaching the alert area and the distance thereto, as described in paragraphs 36, 45 and 46; and that the alert system provides a condition alert signal, paragraphs 25, 28 and 44.

Independent claims 13 and 22 are amended the same as the amendments to claim 1.

Dependent claims 9 and 21 have been amended to more clearly recite that, in Applicants' alert system and method, the position data preferably also includes a heading direction of the vehicle, as described at paragraph 34.

Applicants' respectfully request that the amendments be entered. The amendments seek to reduce the number of claims to allow efficient consideration by the Examiner and to focus attention on novel features of Applicants' system and method that Applicants believe have not been fully addressed. While it is believed that the amendments place the claims in condition for allowance, should it not be deemed so, Applicants nevertheless request that the amendments be entered, if only for purposes of clarifying issues for appeal.

Claim Rejection under 35 USC § 102(e)

Claim 22 was rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,490,521, issued to Wiener in 2002.

Wiener describes a navigation system 100 that provides routing information and may alert the subscriber if the subscriber becomes lost, col. 3, lines 28-30. Navigation information is complied by a service provider and transmitted to a subscriber, e.g., a vehicle, col. 1, lines 37-42. The map information that is processed comprises specific coordinate locations corresponding to

waypoints along a prescribed route, col. 6, lines 24-28. In contrast, Applicants' system is onboard a vehicle and receives condition data in the form of a set of coordinates corresponding to an alert area. Nothing in Wiener suggests transmitting to the vehicle a set of coordinates of an alert area. Moreover, in Applicants' system, the system controller determines when the vehicle is approaching an alert area and is within a predetermined distance, and provides a condition alert signal to an indicator to advise the operator of the vehicle. Wiener shows a system based upon points along prescribed route and does not teach or suggest transmitting coordinate information to define an area to permit an onboard system controller to compare vehicle position relative to the area. Thus, Wiener does not teach or suggest Applicants' invention.

Claim 22, as amended herein, is directed to a vehicle alert system onboard a vehicle. The system comprises a condition information receiver that receives condition data that includes a set of coordinates corresponding to an alert area. Wiener contemplates a system that determines a route between the current position and a desired destination, and provides information based upon waypoints along the route. Nothing in Wiener provides data on an alert area, or more particularly an area that is not along the prescribed route. In accordance with claim 22, the system controller provides a condition alert system after determining that the vehicle is approaching the alert area. Wiener does not look to an area and so cannot provide an alert signal except for a hazard along the prescribed route. Moreover, claim 22 calls for a system controller that is electrically coupled to the indicator, whereas Wiener transmits navigation information from a remote service provider. Therefore, Wiener does not show Applicants' invention as set forth in claim 22.

Accordingly, it is respectfully requested that the rejection of claim 22 as anticipated by Wiener be reconsidered and withdrawn, and that the claims be allowed.

Claim Rejection under 35 USC § 103 based upon Wiener and Maxwell et al.

Claims 1-21 and 23-25 were rejected under 35 U.S.C. § 103 as unpatentable over Wiener in view of United States Patent Number 5,636,921, issued to Maxwell et al. in 1997.

For the reasons set forth in response to the rejection of claim 22, Wiener determines a prescribed route based on vehicle position and desired destination, and looks at waypoints along

a prescribed route. Wiener does not show a system that receives coordinates for an alert area and determines whether the vehicle is within or close to the alert area.

Moreover, Wiener does not show a system that includes an overriding provision. The rejection looks to Maxwell et al. to make up the deficiency.

Maxwell et al. describes a system for broadcasting an emergency signal to nearby vehicles, col. 2, lines 21-25. The rejection points to portions of Maxwell et al. at column 5 to say that the emergency signal is sufficient to override signals from local radio stations, and, in one aspect, may even include a remote on/off controller. However, as shown in Fig. 1, the alert merely covers a predetermined range about a transmitter. Nothing in Maxwell et al. shows a condition information receiver that receives coordinates corresponding to an alert area and determines vehicle position relative to the alert area. Thus, even when combined with Wiener, the combination does not show these features of Applicants' invention.

Claim 1 is amended to more clearly point out that Applicants' alert system is onboard a vehicle and includes a condition information receiver that receives condition data that includes a set of coordinates corresponding to an alert area so that the position data for the vehicle may be compared to the alert area. Wiener shows a navigation system that determines a route to a destination and looks at waypoints along the route, but does not contemplate transmitting coordinates for an alert area to an onboard alert system. Maxwell describes an emergency broadcast that originates from an emergency vehicle, but utilizes signal strength to alert a region, in marked contrast to the broadcasting of coordinates. Thus, even if combined, the references do not show an onboard condition information receiver for receiving alert area coordinates to allow evaluation of the position of the vehicle relative to the alert area. Still further, the claim calls for a system controller that is part of the alert system onboard the vehicle, and determines whether the position data is within the alert area or, if not, approaching the alert area within a predetermined distance. Nothing in Wiener or Maxwell et al. suggests these features. Therefore, even if combined, they cannot be fairly read to suggest Applicants' invention in claim 1, or in claims 2-12 and 23-24 dependent thereon.

Claim 13 is directed to Applicants' method and is amended to point out that the method includes receiving condition data comprising coordinates for an alert area and determining when

the position data is within said alert area of when the vehicle is approaching the alert area within a predetermined distance. As discussed above, Wiener describes a navigation system wherein the remote service provider evaluates a route and does not suggest transmitting alert area coordinates to a onboard system to permit a determination that the vehicle is approaching the alert area within a predetermined distance. Maxwell broadcasts an emergency signal to override local radio broadcasts, but does not suggest transmitting coordinates. Therefore, the references, even if combined, do not show Applicants' method as set forth in claim 13 or in claims 14-21 and 25 dependent thereon.

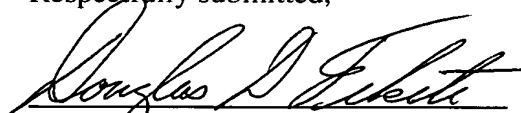
Therefore, it is respectfully requested that the rejection of the claims 1-21 and 23-25 under 35 U.S.C. § 103 be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



Douglas D. Fekete

Reg. No. 29,065

Delphi Technologies, Inc.

Legal Staff – M/C 480-410-202

P.O. Box 5052

Troy, Michigan 48007-5052

(248) 813-1213